

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SELIM ZHERKA,

Plaintiff,

-against-

PHILIP AMICONE, *et ano*,

Defendant.

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**PLAINTIFF'S MEMORANDUM OF LAW
IN RESPONSE TO MOTION TO QUASH
SUBPOENAS BY GANNETT SATELLITE
INFORMATION NETWORK, INC.**

Preliminary Statement

This memorandum is submitted in response to Gannett Satellite Information Network, Inc.'s motion to quash various subpoenas as referenced in their moving papers.

POINT

**SINCE SERVICE OF THE
SUBPOENAS WAS DEFECTIVE,
THE MOTION TO QUASH IS MOOT**

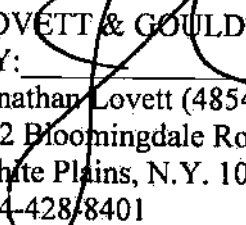
On the basis of the declaration of Roberta Maurer, movants urge (Memorandum at p. "2" and "3" that service of the at-issue subpoenas was ineffective. Since we are not in a position to challenge Maurer's representations of fact, we concede the point. As

such, we agree with movants' acknowledgement that "the Court need not reach the First Amendment issues implicated by the subpoenas" (Memorandum at "5").

Conclusion

The motion to quash is academic and should be dismissed.

Dated: White Plains, N.Y.
March 3, 2008



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